



PTO/SB/25 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TERMINAL DISCLAIMER TO OBLIGE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional)

20009.0043US01 (BS01-170)

In re Application of: Kirkpatrick

Application No.: 09/964,385

Filed: Sept. 28, 2001

For: Device and Method for Augmenting Cellular Telephone Audio Signals

The owner*, BellSouth Intellectual Property Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/101,630, filed on March 21, 2002, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 42,724

Signature

11-18-04

Date

Jeramie J. Keys

11/23/2004 HGITEM01 00000029 09964385

404.849.2093

02 FC:1814 110.00 OP

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** 198

Complete if Known

Application Number	09/964,385
Filing Date	Sept. 28, 2001
First Named Inventor	Kirkpatrick
Examiner Name	Eng
Art Unit	2643
Attorney Docket No.	20009.0043US01 (BS01-170)

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Oth None

Deposit Account:

Deposit Account Number	<input type="text"/>
Deposit Account Name	<input type="text"/>

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395			Utility filing fee	<input type="text"/>
1002 350	2002 175			Design filing fee	<input type="text"/>
1003 550	2003 275			Plant filing fee	<input type="text"/>
1004 790	2004 395			Reissue filing fee	<input type="text"/>
1005 160	2005 80			Provisional filing fee	<input type="text"/>
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims		-20** =	1**	<input type="text"/> X <input type="text"/> = <input type="text"/> 88
Independent Claims		- 3** =	<input type="text"/>	<input type="text"/> X <input type="text"/> = <input type="text"/>
Multiple Dependent				<input type="text"/> = <input type="text"/>

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9			Claims in excess of 20	<input type="text"/>
1201 88	2201 44			Independent claims in excess of 3	<input type="text"/>
1203 300	2203 150			Multiple dependent claim, if not paid	<input type="text"/>
1204 88	2204 44			** Reissue independent claims over original patent	<input type="text"/>
1205 18	2205 9			** Reissue claims in excess of 20 and over original patent	<input type="text"/>
SUBTOTAL (2) (\$)					<input type="text"/> 88

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

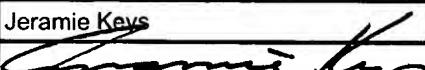
Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	<input type="text"/>
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
1053 130	1053 130			Non-English specification	<input type="text"/>
1812 2,520	1812 2,520			For filing a request for <i>ex parte</i> reexamination	<input type="text"/>
1804 920*	1804 920*			Requesting publication of SIR prior to Examiner action	<input type="text"/>
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	<input type="text"/>
1251 110	2251 55			Extension for reply within first month	<input type="text"/>
1252 430	2252 215			Extension for reply within second month	<input type="text"/>
1253 980	2253 490			Extension for reply within third month	<input type="text"/>
1254 1,530	2254 765			Extension for reply within fourth month	<input type="text"/>
1255 2,080	2255 1,040			Extension for reply within fifth month	<input type="text"/>
1401 340	2401 170			Notice of Appeal	<input type="text"/>
1402 340	2402 170			Filing a brief in support of an appeal	<input type="text"/>
1403 300	2403 150			Request for oral hearing	<input type="text"/>
1451 1,510	1451 1,510			Petition to institute a public use proceeding	<input type="text"/>
1452 110	2452 55			Petition to revive - unavoidable	<input type="text"/>
1453 1,370	2453 685			Petition to revive - unintentional	<input type="text"/>
1501 1,370	2501 685			Utility issue fee (or reissue)	<input type="text"/>
1502 490	2502 245			Design issue fee	<input type="text"/>
1503 660	2503 330			Plant issue fee	<input type="text"/>
1460 130	1460 130			Petitions to the Commissioner	<input type="text"/>
1807 50	1807 50			Processing fee under 37 CFR 1.17(q)	<input type="text"/>
1806 180	1806 180			Submission of Information Disclosure Stmt	<input type="text"/>
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	<input type="text"/>
1809 790	2809 395			Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>
1810 790	2810 395			For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>
1801 790	2801 395			Request for Continued Examination (RCE)	<input type="text"/>
1802 900	1802 900			Request for expedited examination of a design application	<input type="text"/>
Other fee (specify)				Terminal Disclaimer	<input type="text"/> 110

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Jeramie Keys	Registration No. (Attorney/Agent)	42,724	Telephone	404.849.2093
Signature				Date	11-18-04

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